

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RODERICK L. REESE, #1027930 §
 §
V. § CIVIL ACTION NO. G-07-099
 §
SERGIO CHONG §


OPINION AND ORDER

On February 16, 2007, Roderick L. Reese, a Texas prison inmate, filed a “ Notice/Motion for Removal; Incorporated Motion for State Record” in an effort to remove to this Court a civil rights action filed by him in the 55th Judicial Court of Harris County, Texas; the suit is based upon events which occurred in Matagorda County which is located within the geographical boundaries of the Galveston Division. The attempted removal was prompted by, *inter alia*, what Reese perceives to be biased and hostile actions taken against him by the presiding judge.

Unfortunately, for Reese, even if his allegations were true, his Motion must be denied. The right to remove a case from state court to federal court is vested exclusively in “ the defendant or the defendants.” 28 U.S.C. § 1441(a) Removal is not available to a Plaintiff, like Reese. Coogan v. DeBoer Properties, Corp., 354 F.Supp. 1058, 1059 (S.D. Tx. 1973)

It is, therefore, the **ORDER** of this Court that the “ Notice/Motion for Removal; Incorporated Motion for State Record” is **DENIED** and this action is, hereby, **REMANDED** to the **55th Judicial Court of Harris County, Texas.**

DONE at Galveston, Texas, this 27th day of February, 2007.


Samuel B. Kent
United States District Judge